

AMENDED IN SENATE JUNE 10, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2275

Introduced by Assembly Member Hayashi
(Coauthor: Senator Aanestad)

February 18, 2010

~~An act to amend Section 11011.15 of the Government Code, relating to state property. An act to add Section 1374.195 to the Health and Safety Code, and to add Section 10120.3 to the Insurance Code, relating to health care coverage.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2275, as amended, Hayashi. ~~State property; inventory. Dental coverage: noncovered benefits.~~

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care, and makes a willful violation of its provisions a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Existing law requires contracts between plans or insurers and providers to be fair and reasonable and requires plans and insurers to reimburse a claim for covered services within a specified period of time of receiving the claim.

This bill would, with respect to plan contracts and policies that cover dental services, prohibit a plan or insurer from requiring a dentist to accept an amount set by the plan or insurer as payment for dental care services provided to an enrollee or insured unless the dental care services are covered services under the plan contract or policy, as specified.

Because a willful violation of this prohibition by a health care service plan would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law requires the Department of General Services to maintain a complete and accurate statewide inventory of all real property held by the state and to update it annually, and to categorize that inventory by agency and geographical location. This inventory is required to include specified information furnished by state agencies and the University of California.~~

~~This bill would require that this inventory be completed and updated by January 1 of each year.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1374.195 is added to the Health and
2 Safety Code, to read:

3 1374.195. (a) With respect to a health care service plan
4 contract covering dental services or a specialized health care
5 service plan contract covering dental services pursuant to this
6 chapter, the plan shall not require a dentist to accept an amount
7 set by the plan as payment for dental care services provided to an
8 enrollee unless the dental care services are covered services under
9 the enrollee's plan contract.

10 (b) For purposes of this section, "covered services" means
11 dental care services for which a reimbursement is available under
12 an enrollee's plan contract, or for which a reimbursement would
13 be available but for the application of contractual limitations such
14 as deductibles, copayments, coinsurance, waiting periods, annual
15 or lifetime maximums, frequency limitations, alternative benefit
16 payments, or any other limitation.

17 (c) This section shall only apply to provider contracts issued,
18 revised, or renewed on or after January 1, 2011.

1 (d) This section shall not apply to a discount health plan
2 provider agreement regulated by the department under subdivision
3 (a) of Section 1341.

4 SEC. 2. Section 10120.3 is added to the Insurance Code, to
5 read:

6 10120.3. (a) With respect to a health insurance policy covering
7 dental services or a specialized health insurance policy covering
8 dental services pursuant to this code, the insurer shall not require
9 a dentist to accept an amount set by the insurer as payment for
10 dental care services provided to an insured unless the dental care
11 services are covered services under the insured's policy.

12 (b) For purposes of this section, "covered services" means
13 dental care services for which a reimbursement is available under
14 an insured's policy, or for which a reimbursement would be
15 available but for the application of contractual limitations such
16 as deductibles, copayments, coinsurance, waiting periods, annual
17 or lifetime maximums, frequency limitations, alternative benefit
18 payments, or any other limitation.

19 (c) This section shall only apply to provider contracts issued,
20 revised, or renewed on or after January 1, 2011.

21 (d) This section shall not apply to a discount health plan
22 provider agreement regulated by the Department of Managed
23 Health Care under subdivision (a) of Section 1341 of the Health
24 and Safety Code.

25 SEC. 3. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 the only costs that may be incurred by a local agency or school
28 district will be incurred because this act creates a new crime or
29 infraction, eliminates a crime or infraction, or changes the penalty
30 for a crime or infraction, within the meaning of Section 17556 of
31 the Government Code, or changes the definition of a crime within
32 the meaning of Section 6 of Article XIII B of the California
33 Constitution.

34 ~~SECTION 1. Section 11011.15 of the Government Code is~~
35 ~~amended to read:~~

36 ~~11011.15. (a) The Department of General Services shall~~
37 ~~maintain a complete and accurate statewide inventory of all real~~
38 ~~property held by the state and categorize that inventory by agency~~
39 ~~and geographical location. The inventory shall include all~~
40 ~~information furnished by agencies pursuant to subdivision (b) and~~

1 the University of California pursuant to Section 11011.17. The
2 inventory shall be completed and updated by January 1 of each
3 year.

4 (b) Each agency shall furnish the department, in the format
5 specified by the department, a record of each parcel of real property
6 that it possesses. Each agency shall update its real property
7 holdings through December 31 of the previous year, reflecting any
8 changes, by July 1 of each year. This record shall include, but is
9 not limited to, all of the following information:

10 (1) The location of the property within the state and the county,
11 the size of the property, including its acreage, and any other
12 relevant property data that the department deems necessary. This
13 latter requirement shall be uniformly applied to all agencies.

14 (2) The date of the acquisition of the real property, if available.

15 (3) The manner in which the property was acquired and the
16 purchase price, if available.

17 (4) A detailed description of the current uses of the property,
18 including specific programmatic uses, and whether the property
19 is fully utilized, partially utilized, or excess, with regard to either
20 an existing or ongoing program of the agency. The agency shall
21 also provide a detailed description of every lease, license, or other
22 agreement relating to the use of the property.

23 (5) Any projected future uses of the property during the next
24 five years, as identified pursuant to the five-year infrastructure
25 plan or the agency's master plan. If the property is not included
26 in the five-year infrastructure plan or the agency's master plan, or
27 is identified as partially utilized or excess pursuant to paragraph
28 (4), the agency shall provide detailed information regarding the
29 need to continue ownership or management of the property. In the
30 case of land held for state park use, for which the projected use
31 would exceed a five-year period, the projected use and estimated
32 date of construction or use shall be furnished.

33 (6) A concise description of each major structure located on the
34 property.

35 (7) The estimated value of real property declared surplus by the
36 agency and real property where the agency has not identified a
37 current or potential use.

38 (c) The department shall prepare a separate report and shall
39 update the report annually of all properties declared surplus or

1 ~~properties with no identified current or projected use. The report~~
2 ~~shall be made available upon request.~~
3 ~~(d) The head of each agency shall also certify, on or before July~~
4 ~~1 annually, that the agency has accurately and completely reported~~
5 ~~all property information required by this section and that it has~~
6 ~~identified any excess property pursuant to Section 11011. The~~
7 ~~Department of General Services shall maintain the certification~~
8 ~~notices in a conspicuous place on its Internet Web site.~~

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